

Dated: August 26, 2021


Eddward P. Ballinger Jr., Bankruptcy Judge



UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:
SUSAN SIMPSON,
Debtor

CHAPTER 13

Case No. 2:20-bk-02088-EPB

**ORDER TO SELL REAL PROPERTY
AND EMPLOY REAL ESTATE AGENT
[DE #202]**

Debtor, having filed a Stipulated Motion to Approve Sale of Real Property and Employ Real Estate Agent on August 25, 2021 [DE #202], and good cause shown,

IT IS ORDERED THAT:

A. The sale of Debtor's property located at 5320 E. Thunder Hawk Road, Cave Creek, AZ 85331 (the "**Property**") is approved and permitted;

B. Debtor may retain a real estate agent, provided that the total amount of commissions paid to the agents who procure the sale of the Property shall not exceed 6% of the sale price for the Property;

C. Debtor and all applicable parties shall execute all documents reasonably required to consummate the sale of the Property, including without limitation executed and acknowledged lien releases upon payment to lien holders as specified in this Order;

D. Sale proceeds may be distributed from escrow as follows:

(1) Standard closing costs;

- 1 (2) Real estate agent's commission in the amount not to exceed 6% to the
2 agents who have procured the sale;
- 3 (3) The full and valid payoff amount to first mortgage holder/deed of trust
4 beneficiary JPMorgan Chase Bank, N.A.;
- 5 (4) The full and valid payoff amount to second mortgage holder/deed of trust
6 beneficiary Colina Del Norte Homeowners Association;
- 7 (5) An amount of \$126,500 to third-position lien holder New Horizons 401(k)
8 Profit Sharing Plan FBO Brad Gilbertson ("New Horizons"), plus any
9 unpaid accrued interest that has not already been paid to New Horizons,
10 which shall constitute payment in full to satisfy New Horizons' lien in its
11 entirety;
- 12 (6) An amount of \$15,000 to the Chapter 13 trustee, or a lesser amount
13 approved in writing by the Chapter 13 trustee, to satisfy all remaining
14 timely filed unsecured claims and administrative claims; and
- 15 (7) After the escrow agent pays the full and valid amounts listed in Sections
16 (D)(1) – (D)(6) above, the escrow agent shall pay any remaining excess
17 proceeds from the sale to Debtor.

18 E. Immediately before the closing of the sale of the Property, Debtor shall provide a
19 copy of the final settlement statement to counsel for the Chapter 13 Trustee and counsel for
20 secured creditors JPMorgan Chase Bank, N.A., Colina Del Norte Homeowners Association, and
21 New Horizons.

22 **DATED AND SIGNED ABOVE**

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